

Commissioner for Patents
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Attorney Docket No. LUTZ 2 00435
Case Name/No. Li 3

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER PENDING APPLICATION(S)**

In re Application of: **Chih-Peng Li**

Application No.: **09/848,127**

Group Art Unit: **2145**

Filed: **May 3, 2001**

Examiner: **Jeffrey R. Swearingen**

For: **NEAR OPTIMAL FAIRNESS BACK OFF METHODS AND SYSTEM**

The owner, Lucent Technologies Inc., of the state of Delaware, having a place of business at 600 Mountain Avenue, Murray Hill, New Jersey 07974-0636, represents that it is the owner of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Application(s) Number(s) 09/848,622, filed on May 3, 2001.

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patents granted on such application(s) are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

☒ The undersigned is an attorney or agent of record.

<u>April 26, 2006</u> Date	<u>Joseph D. Dreher</u> Signature
Joseph D. Dreher FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP 1100 Superior Avenue, Seventh Floor Cleveland, Ohio 44114-2579	<u>Joseph D. Dreher</u> Typed or Printed Name
	<u>37,123</u> Registration No.
Certificate of First Class Mailing I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail service on <u>April 26, 2006</u> and is addressed to Mail Stop: Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.	<u>216-861-5582</u> Telephone Number
<u>Iris E. Weber</u> Iris E. Weber	

☒ Terminal disclaimer fee under 37 CFR 1.20(d) is authorized to be charged to a Credit Card. The appropriate form PTO-2038 is enclosed for this purpose. If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308.

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